

RICHARD THOMAS

Plea and Sentence Agreement

1. This is the plea and sentence agreement between the State of New York Office of the Attorney General (the "OAG") and defendant Richard Thomas, ("Mr. Thomas"). This memorandum of agreement constitutes the entire agreement between Mr. Thomas and the OAG. There are no promises, agreements, or conditions, express or implied, other than those set forth in this document. No modification, deletion, or addition to this agreement will be valid or binding on either party unless put into writing and signed by all parties.

2. This agreement will take effect when and if approved by the Court presiding over People v. Richard Thomas, Ind. No. 18-0522 (the "indictment").

3. Mr. Thomas agrees that he will plead guilty to the reduced charges of Attempted Grand Larceny in the Third Degree, a class A misdemeanor, in violation of Penal Law Section 110/155.30, a lesser included charge of Count 1 of the indictment, and Offering a False Instrument for Filing in the Second Degree, a class A misdemeanor, in violation of Penal Law Section 175.30, a lesser included charge of Count 5 of the indictment.

4. The reduction of the charges will be without prejudice to the People. Should Mr. Thomas, decide not to go forward with his plea, then the felony charges will be reinstated.

5. At the time of his plea, Mr. Thomas will, under oath, admit that he has engaged in the following criminal conduct:

During and after my campaign for mayor, from early October 2015 to late December 2015, I knowingly and unlawfully appropriated contributions made to my campaign committee, the Friends of Richard Thomas, totaling approximately \$13,000, for my own personal use.

On or about November 27, 2015, I knowingly and falsely filed a 27 Day Post-General Disclosure report with the New York State Board of Elections. I did not disclose that I received a \$4000 payment from my campaign committee. On that report, I also claimed to have received a \$2500 reimbursement payment from my campaign committee, but I did not expend personal funds warranting such reimbursement.

6. At the time of his sentencing pursuant to the plea described in paragraph 3 above, the OAG and Mr. Thomas shall jointly make a sentencing recommendation to the Court. The recommendation will be: (i) a fine of \$13,000; (ii) a sentence of a one-year conditional discharge with the conditions described below; and (iii) resignation from his office as Mayor of the City of Mount Vernon, effective September 30, 2019.


7. During the pendency of his conditional discharge, Mr. Thomas shall not seek or accept any elected or appointed public office or seek or accept any position as a public servant.

8. Mr. Thomas will also pay the mandatory surcharge and crime victim assistance fee pursuant to Penal Law Section 60.35(1)(a).


9. The maximum permissible sentence for the crimes of Attempted Grand Larceny in the Third Degree, a class A misdemeanor, in violation of Penal Law Section 110/155.30 and Offering a False Instrument for Filing in the Second Degree, a class A misdemeanor, in violation of Penal Law Section 175.30 is up to one year in jail and a fine of up to 1,000 dollars or twice the amount of the individual's gain from the crime.

10. At the time of the plea, Mr. Thomas shall waive all right of appeal or review whatsoever and shall sign a "Waiver of Right to Appeal" form as provided by the OAG. The defendant waives any challenge or objection under Article 30 of the Criminal Procedure Law to the prosecution of this case by the OAG.

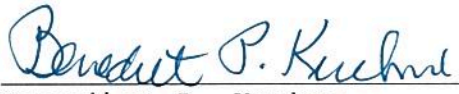
Dated: Westchester, New York
July 8, 2019



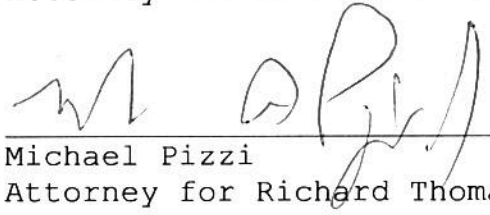
Richard Thomas
Defendant



Douglas J. Martino
Attorney for Richard Thomas

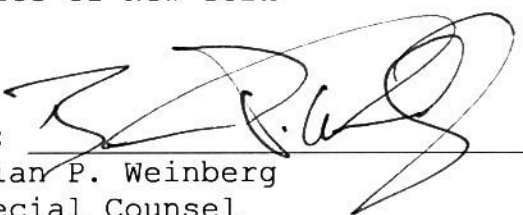


Benedict P. Kuehne
Attorney for Richard Thomas

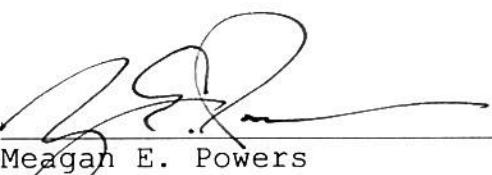


Michael Pizzi
Attorney for Richard Thomas

LETITIA JAMES
Attorney General
State of New York

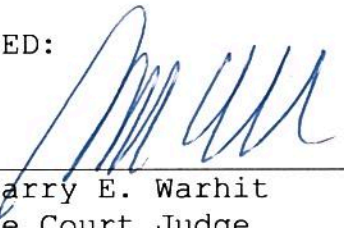
By: 

Brian P. Weinberg
Special Counsel
Public Integrity Bureau

& By: 

Meagan E. Powers
Assistant Attorney General
Public Integrity Bureau

APPROVED:


By: _____
Hon. Barry E. Warhit
Supreme Court Judge
Westchester County